

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 999**

---

**Introduced by Assembly Member Skinner**

February 27, 2009

---

An act to amend Section 1719 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 999, as amended, Skinner. Juveniles: ~~Board of Parole Hearings.~~  
*Division of Juvenile Facilities.*

*Existing law sets forth the powers and duties of the Division of Juvenile Facilities in the Department of Corrections and Rehabilitation with respect to wards in its custody, including, but not limited to, the return of persons to the court of commitment for redispotion by the court, determination of offense category, and setting of parole consideration dates. Existing law requires the department to promulgate policies and regulations implementing a departmentwide system of graduated sanctions for addressing ward disciplinary matters, including extending a ward's parole consideration date, subject to appeal, from one to not more than 12 months, for a sustained serious misconduct violation, as specified. The department is also authorized to promulgate regulations to establish a process for granting wards who have successfully responded to disciplinary sanctions a reduction of up to 50% of any time acquired for disciplinary matters.*

*This bill would revise and recast these provisions by including program time credits among the powers and duties of the division. The bill would require the parole consideration date of a ward to be advanced one month earlier for every month of satisfactory performance*

*in a credit qualifying program, including performance in education, rehabilitation, vocational education, training, drug treatment, anger management, therapeutic, work, and other programs meant to prepare a ward for successful reentry into society. The bill would require the division to promulgate policies and regulations implementing a divisionwide system of graduated sanctions for addressing ward disciplinary matters. The bill would prohibit the division from extending or postponing a ward's parole consideration date, but would permit forfeiture of program time credits for sustained serious misconduct. The bill would require the division to provide a document signed by a division official to each ward defining what conduct constitutes serious misconduct.*

~~Existing law sets forth the powers and duties of the Board of Parole Hearings with respect to juvenile court proceedings.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1719 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 1719. (a) On and after July 1, 2005, the following powers and
- 4 duties shall be exercised and performed by the Board of Parole
- 5 Hearings: discharges of commitment, orders to parole and
- 6 conditions thereof, revocation or suspension of parole, and
- 7 disciplinary appeals.
- 8 (b) Any ward may appeal an adjustment to his or her parole
- 9 consideration date to a panel comprised of at least two
- 10 commissioners.
- 11 (c) The following powers and duties shall be exercised and
- 12 performed by the Division of Juvenile Facilities: return of persons
- 13 to the court of commitment for redispotion by the court,
- 14 determination of offense category, setting of parole consideration
- 15 dates, conducting annual reviews, treatment program orders,
- 16 *program time credits*, institution placements, furlough placements,
- 17 return of nonresident persons to the jurisdiction of the state of legal
- 18 residence, disciplinary decisionmaking, and referrals pursuant to
- 19 Section 1800.

(d) *Program time credits shall apply for performance in education, rehabilitation, vocational education, training, drug treatment, anger management, therapeutic, work, and other programs meant to prepare a ward for successful reentry into society. For every month of satisfactory performance in a credit qualifying program, as designated by the Chief Deputy Secretary for Juvenile Justice, the parole consideration date of a ward shall be advanced one month earlier.*

~~(d) The department~~

(e) *The division shall promulgate policies and regulations implementing a ~~departmentwide~~ divisionwide system of graduated sanctions for addressing ward disciplinary matters. The disciplinary decisionmaking system shall be employed as the disciplinary system in facilities under the jurisdiction of the Division of Juvenile Facilities, and shall provide a framework for handling disciplinary matters in a manner that is consistent, timely, proportionate, and ensures the due process rights of wards. ~~The department shall develop and implement a system of graduated sanctions which distinguishes between minor, intermediate, and serious misconduct. The department may extend a ward's parole consideration date, subject to appeal pursuant to subdivision (b), from one to not more than 12 months, inclusive, for a sustained serious misconduct violation. The division shall not extend or postpone a ward's parole consideration date. Sanctions for sustained serious misconduct may include forfeiture of program time credits established pursuant to this chapter, if all other sanctioning options have been considered and determined to be unsuitable in light of the ward's previous case history and the circumstances of the misconduct. In any case in which a parole consideration date has been extended program time credit has been forfeited, the disposition report shall clearly state the reasons for the extension forfeiture. The length of any parole consideration date extension program time credit forfeiture shall be based on the seriousness of the misconduct, the ward's prior disciplinary history, the ward's progress toward treatment objectives, the ward's earned program time credits, and any extenuating or mitigating circumstances. The department shall promulgate regulations to implement a table of sanctions to be used in determining parole consideration date extensions. The department also may promulgate regulations to establish a process for granting wards who have successfully responded to disciplinary~~*

1 ~~sanctions a reduction of up to 50 percent of any time acquired for~~  
2 ~~disciplinary matters. A document signed by a division official shall~~  
3 ~~be provided to each ward defining what conduct constitutes~~  
4 ~~“serious misconduct.”~~

O